IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1004 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE AKSHAY H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KETAV AUTO SERVICES

Versus

RAJVIRSINGH GYANSINGH

Appearance:

1. Special Civil Application No. 1004 of 2000

MR PC MASTER for Petitioner No. 1

MR ANAND YAGNIK for GIRISH PATEL ASSOC for Respondent No. 1

CORAM : MR.JUSTICE AKSHAY H.MEHTA

Date of decision: 09/07/2002

ORAL JUDGEMENT

Rule. Service of rule is waived by Mr. Anand Yagnik, learned advocate for the respondent.

2. This petition has been directed against the award

of the Labour Court made in Reference (LCA) No. 2244 of 1992 dated 3rd July, 1999, which came to be published in the Government gazette on 28th January, 2000. By the said award the Labour Court directed the petitioner to reinstate him in service with 30% back wages.

3. The respondent, at the relevant time, was working with petitioner, which is running a petrol pump. According to the petitioner, the respondent was remaining absent without authority and for that he was given notice to report on duty, but the same was not complied with. According to the petitioner, the respondent had voluntarily abandoned the service.

3.1. As against that, the say of the respondent is that he had raised demand for certain legitimate dues by which the petitioner felt offended and even when he reported for duty, he was not allowed to work and his service was discontinued. A dispute, therefore, was raised and the same ultimately came to be referred to the Labour Court under Section 10(1)(c) of the Industrial Disputes Act (for short 'the Act'). As stated above, at the end of the proceedings Labour Court passed award for reinstatement and payment of 30% back wages.

4. During the course of hearing, at the suggestion of the Court the parties to the proceedings made effort to resolve the dispute amicably. Today I have been informed that the difference between the amount which the petitioner is willing to pay and the amount which the respondent is willing to accept is of Rs.15,000/-. In other words, the petitioner is ready and willing to pay Rs.50,000/- to the respondent; whereas the expectation of the respondent is Rs.65,000/-. The matter is, therefore, left to me to decide appropriate figure. Considering the facts and circumstances of the case, it would, in my opinion, just and proper to direct the petitioner to pay to the respondent a sum of Rs.60,000/- [Rupees sixty thousand only] towards full and final settlement of all his outstanding dues against the petitioner including the claim of reinstatement. The petitioner shall pay this amount to the respondent on or before 15th August, 2002. With the payment of this amount, the relationship of employer and employee between the petitioner and the respondent will cease to exist.

6. With the aforesaid direction, the award of the Labour Court is modified in the terms stated above. The petition is, therefore, partly allowed. Rule made absolute to the aforesaid extent with no order as to costs. Since the petition is now disposed of, the

benefit granted under Section 17-B of the Act to the respondent will cease to have any effect. D.S. permitted.

[Akshay H. Mehta, J.]

* Pansala.